

Chair Boyle called the regularly scheduled meeting to order at 10:04 a.m. with Commissioners Lowell Johnson, Rod Johnson, and Landis present in the Commission Hearing Room, Lincoln, Commissioner Vap present telephonically and Commissioner Boyle excused at the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published May 28, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 3, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, June 4, 2003:

C-2925 Commission Hearing Room, Lincoln. Prehearing Conference.
10:00 In the Matter of the Petition for Declaratory Ruling of Lincoln Electric System seeking a determination that Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers, shall not be applied retroactively to the application of Lincoln Electric System for Contract Carrier Permit Authority (Application C-2910) filed March 27, 2003. Commissioner Landis chairing.

Monday, June 16, 2003:

B-1591 Video Hearing. Commission Library, Lincoln, and Nebraska
1:30 State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha. WW Service, Inc., Yutan, seeking authority as a contract carrier of passengers for the Department of Defense in open class service between points in Nebraska over irregular routes by sedan and van. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Lowell Johnson chairing.

Tuesday, June 17, 2003:

C-2780 Commission Hearing Room, Lincoln. Oral Argument
9:00 Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado. Commissioner Landis chairing.

COMMUNICATIONS DEPARTMENT

Cheryl Elton reported on telecommunications complaints received by the Communications Department during the preceding month.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1312 In the Matter of Michael J. Haller, Jr., Omaha, vs. Qwest, alleging unsatisfactory business practices: Upon agreement of all Commissioners present, a prehearing conference order was entered to set a procedural schedule.

C-1128 In the Matter of the Commission, on its own motion, seeking
PO #3 to set guideines for mediation, arbitration, and reviews of negotiated agreements under the Telecommunications Act of 1996: Upon agreement of all Commissioners present, an order was entered seeking further comments on proposed Mediation/ Arbitration Policy amendments.

C-2846 In the Matter of the Petition from residents of the Creston exchange, served by Qwest Corporation, requesting extended area service (EAS) to the Columbus exchange, served by Citizens Telecommunications Company of Nebraska: Gene Hand informed the Commission that an informational meeting was held May 21, 2003, at the Fire Hall in Creston. Upon agreement of all Commissioners present, a survey for EAS between Creston and Columbus will be conducted pursuant to Commission Rules. Qwest must file a proposed ballot for Commission approval.

Commissioner Boyle entered the Commission Hearing Room.

C-2898 In the Matter of ComTech21, L.L.C., Wallingford, Connecticut, seeking to transfer its existing customer base of Alliance Group Services, Inc., d/b/a AGSi to ComTech21, LLC: Upon agreement of all Commissioners, the application was granted.

C-2919 In the Matter of Allo Communications, L.L.C., Imperial, seeking designation as an eligible telecommunications carrier that may receive universal service support: A hearing was set for a date later to be determined.

C-2920/
PI-72 In the Matter of the Commission, on its own motion, seeking to investigate interconnection options and procedures between Incumbent Local Exchange Carriers (ILECs) and Commercial Mobile Radio Service (CMRS) carriers: Chris Post reported on the status of the docket.

C-2935 In the Matter of Promise-Net International, Ltd., Gig Harbor, Washington, seeking authority to withdraw the certificate previously granted in Application C-1954 and associated tariff: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2937 In the Matter of iLOKA, Inc., d/b/a Microtech-tel, Greenwood Village, Colorado, seeking authority for a Certificate of Public Convenience and Necessity to provide resold and facilities-based local exchange and interexchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2938 In the Matter of Go Solo Technologies, Inc., Clearwater, Florida, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2939 In the Matter of Onvoy, Inc., Minneapolis, Minnesota, seeking a Certificate of Public Convenience and Necessity to provide interexchange telecommunications services: Upon agreement of all Commissioners, the application was granted.

C-2927 In the Matter of Qwest Corporation, Denver, Colorado, and McLeodUSA Telecommunications Services, Inc., Cedar Rapids, Iowa, seeking authority to amend the wireline interconnection agreement previously approved in Application C-2023: Upon agreement of all Commissioners, the amendment was approved.

C-2928 In the Matter of Qwest Corporation, Denver, Colorado, and DIECA Communications, Inc., d/b/a Covad Communications Company, Denver, Colorado, seeking authority to add a DC power reduction procedure amendment to the interconnection agreement previously approved in Application C-2325: Upon agreement of all Commissioners, the amendment was approved.

C-2929 In the Matter of Qwest Corporation, Denver, Colorado, and NexGen Integrated Communications, L.C., f/k/a NewPath Holdings, Inc., Urbandale, Iowa, seeking authority to add a collocation transfer of responsibility amendment to an interconnection agreement: Upon agreement of all Commissioners, the amendment was approved.

C-2930 In the Matter of Qwest Corporation, Denver, Colorado, and NexGen Integrated Communications, L.C., f/k/a NewPath Holdings, Inc., Urbandale, Iowa, seeking authority to add an enhanced extended loop (EEL) amendment to their interconnection agreement: Upon agreement of all Commissioners, the amendment was approved.

C-2931 In the Matter of Qwest Corporation, Denver, Colorado, and McLeodUSA Telecommunications Services, Inc., Cedar Rapids, Iowa, seeking authority to add a collocation available inventory amendment to the interconnection agreement previously approved in Application C-2023: Upon agreement of all Commissioners, the amendment was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2933 In the Matter of Qwest Corporation, Denver, Colorado, and Commnet Wireless, Inc., Burr Ridge, Illinois, seeking approval of a type 2 Wireless Interconnection Agreement: Upon agreement of all Commissioners, the agreement was approved.

C-2936 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a wireline interconnection agreement with Allo Communications, L.L.C., Imperial: Upon agreement of all Commissioners, the agreement was approved.

C-2925 In the Matter of the Petition for Declaratory Ruling of Lincoln Electric System seeking a determination that Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers, shall not be applied retroactively to the application of Lincoln Electric System for Contract Carrier Permit Authority (Application C-2910) filed March 27, 2003: Upon agreement of all Commissioners, a pre-hearing conference was set for June 4, 2003, at 10:00 a.m. CDT in the Commission Library, Lincoln.

Andy Pollock informed the Commission that Attorney General Bruning intends to join a multi-state action against three wireless service providers on charges of deceptive trade practices.

Gene Hand discussed the notification that the Regional Oversight Committee (ROC) is seeking a facilitator to consider changes to the Performance Indicator Definitions (PIDs).

CC 95-116 In the Matter of the Federal Communications Commission (FCC), Washington, DC, seeking comment on the Cellular Telecommunications and Internet Association's May 13, 2003, Petition for Declaratory Ruling, asking the Commission to clarify carrier obligations regarding a number of local number portability implementation issues: Gene Hand informed the Commission that comments are due June 13, 2003, with reply comments due June 24, 2003.

Gene Hand discussed notification that the FCC is seeking further comment on another set of proposed changes to its pay phone compensation rules.

Gene Hand provided a report on the status of the National Association of Regulatory Utility Commissioners (NARUC) Triennial Review Implementation Project (TRIP).

COMMUNICATIONS DEPARTMENT (Cont.)

Engineering Department

E-1998 In the Matter of Norris Public Power District, Beatrice,
E-2003 seeking authority to construct, operate and maintain
 electric transmission lines in Lancaster County: Upon
agreement of all Commissioners, the applications were granted.

E-2002 In the Matter of Nebraska Public Power District, Columbus,
 seeking authority to construct, operate and maintain an
electric transmission line in Boyd County: Upon agreement of all Com-
missioners, the application was granted.

E-2004 In the Matter of Loup Valley Rural Public Power District,
 Ord, seeking authority to construct, operate and maintain
electric transmission lines in Loup and Garfield Counties: Upon
agreement of all Commissioners, the application was granted.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on late-filed carrier remittances.
Assessment of a late handling fee against named parties was approved
without objection.

E911 DEPARTMENT

Kara Thielen reported that the Advisory Board Meeting will
be held on June 4-5, 2003, at City Hall, South Sioux City.

NATURAL GAS AND WATER DEPARTMENTS

Andy Pollock and Laura Davenport reported on the following
items:

A workshop (NPSC staff presentation) on LB 790 was sche-
duled for Tuesday, June 24, 2003, at 9:00 a.m. (CDT) in the Commission
Hearing Room, Lincoln.

Discussion of preparation for implementation of LB 790.

Discussion of staffing and personnel and action to be taken
in General Administration agenda.

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of
 a dispute under Neb. Rev. Stat. § 57-1306: Upon agreement
of all Commissioners, an order was entered denying Aquila's motion for
a cease and desist order.

LEGISLATIVE REPORT

Laura Davenport provided the following report on legislative bills:

Commission-Initiated Bills that Passed

LB	Description	Effective Date
187	PSC fee changes	January 1, 2004
187	Appeals changes	August 31, 2003
187	Wireless E911 fining	August 31, 2003
187	TRS timing	August 31, 2003
241	Change housing fee provisions	August 31, 2003
735	Grain warehouse and grain dealer changes	August 31, 2003

Other Bills Affecting the Commission that Passed

LB	Description	Effective Date
165	Shipment of radioactive waste - advisory board	August 31, 2003
424	Create Treasury Management Cash Fund and fees	May 26, 2003
790	State Natural Gas Regulation Act	May 30, 2003

Bills Carried Over

LB	Description	Status
81	Permit consumption of alcohol in limousines	Held in Comm.
339	Prohibit payments for right to install natural gas facilities	Held in Comm.
501	Restrict use of wireless phones in vehicles	Held in Comm.
532	Establish passenger carrier license	Gen. File
583	Change objection and notice provisions re: rules and regs.	Held in Comm.
650	Municipal Natural Gas Loan Fund	Gen. File
675	Change provisions re: use of eminent domain by railroads	Held in Comm.
697	Create an excise tax; change funding provisions for PSC	Held in Comm.
743	Create do not call list	Select File
757	Redefine telecommunications company under NUSF Act	Held in Comm.
793	Authorize political subdivisions to provide telecom service	Held in Comm.
LR24	Constitutional amendment to eliminate home rule charters	Held in Comm.

Commissioner Landis exited the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

- GW-599 Wheat and soybeans at Agri Co-op, Holdrege.
GW-1119 Corn at Trotter, Incorporated, Arcadia.
- GW-14 In the Matter of Laurel Feed & Grain Co., Laurel, seeking
 to buy the grain represented on lost Public Grain Ware-
house Receipt No. B595489 and B595490: Applications were granted.
- GW-288 In the Matter of United Fire & Casualty Company seeking
 cancellation of its Continuous Public Grain Warehouse
Bond No. 55-81344 in the amount of \$500,000.00, issued on behalf of
Farmers Co-operative Grain and Lumber Company of Humphrey, Nebraska:
Application was granted effective May 21, 2003.

Grain Dealer Division

Upon agreement of all Commissioners present, the following applicants were granted a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2003:

		<u>SECURITY</u>
GD-2778	Nebraska Popcorn, Inc., Clearwater	\$ 35,000
GD-2853	Nebraska Bean, Inc., Clearwater	\$ 35,000
GD-2858	Archer-Daniels-Midland Company dba Collingwood Grain, Overland Park, KS	\$150,000

Chris Post updated the Commission on Atlanta and Miller appeals.

TRANSPORTATION DEPARTMENT

- B-1595 In the Matter of Marshanette Booker & Sons, dba Safe Senior
 Transportation Services, (S.S.T.S.), Omaha: Upon agreement
of all Commissioners present, an order was entered continuing the show
cause. The hearing previously set for June 3, 2003, was continued to
July 8, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.
Commissioner Boyle will preside as Hearing Officer.
- B-1618 In the Matter of Royal Limousine, Inc., Omaha, seeking to
 acquire, through transfer, the authority granted to Laidback
Limousine, Inc. in Certificate B-1577, Supplement 1: Upon agreement
of all Commissioners present, the application was granted and Certifi-
cate B-1577, Supplement 1, was revoked.

TRANSPORTATION DEPARTMENT (Cont.)

MCC-3151 In the Matter of Andy Pollock, Director, Motor Transportation Department, Nebraska Public Service Commission, Complainant, vs. Mike's Moving, Inc., Omaha: Upon agreement of all Commissioners present, the complaint was entered.

B-1620 In the Matter of Kochkammerer Enterprises, Inc., dba Safeway Cabs, Omaha, seeking to acquire, through transfer, the authority granted to Safeway Cabs, Inc., Omaha, in Certificate B-287: The hearing previously set for July 2, 2003, in the Commission Hearing Room, Lincoln, was reset as a video hearing at 10:00 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha. Commissioner Boyle will preside as Hearing Officer.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 14 cents per mile and the taxi surcharge at 20 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Communications	\$2,820.73
DAS - Materiel - Postage	444.74
DAS - Transportation Services Bureau - Voyager	860.16
Department of Roads	269.28
The Daily Record	400.40
Larry Fauss	800.00
MARC	650.00
John Fecht	418.48
Anne Boyle	1036.80
Gerald Vap	559.44

The Commission discussed budget matters.

Commissioner Landis entered the Commission Hearing Room.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel issues and Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:08 a.m.

Commissioner Rod Johnson moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:34 a.m.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners, authorization was granted to open one position in the Natural Gas Department and to open the Public Advocate position established under LB 790.

Upon agreement of all Commissioners, authorization was granted to a staff person to utilize 3 weeks of catastrophic leave through and including June 30, 2003.

Upon agreement of all Commissioners, authorization was granted to retain two interns for work in the Communications and Universal Service Fund departments.

The meeting adjourned at 11:37 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present in the Commission Hearing Room and Commissioner Vap present telephonically. The next regularly scheduled meeting will be held on June 17, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on June 16, 2003.

Chair

Executive Director